Previous references.

Eo. No. 8487-5-27 & 17.4.11
Me 185-10-5

1911.

(Courts)

File No. 299-10

Serial Nos. 1 to 4

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1–4

Part B. for September 1911.

SUBJECT.

Embezzlement by Singaracharyengar and another in the Hassan Munsiff's Court.

From, The Registrar of the Chief Court of Mysore -

1) No: 5333/530 & 21.6.1911
Reports that a sum of about Rs. 190/- was embezzled by the Nazir of the Hassan Munsiff's Court & that the amount was recovered & the officials punished by with dismissal from service.

2) From — do — No: 124/6 & 7.7.11
suggests an amendment in the Process Rules.

3) From — do — No: 421/31 & 21.7.11.
G. R. S. 58 Asks for report on the above.

4) To the Registr of the Chief Court — No: J 971 & 16.9.1
Sanctions the amendment.

Recorded by
Cronin
20.10.11

G.R.S. 11] 190-11

GENERAL AND REVENUE SECRETARIAT

(Courts)

NOTES.

Cts File No. 299-10.

FILE HEADING:

Embezzlement by Singra Iyengar and another in the Hassan Munsiff's Court.

From The Registrar, Chief Court of Mysore

No. 5333/530 Dated 21.6.1911 Received 26.6.1911

Diary No. 3201 | Enclos. 1 | Spare Copies | Serial No. 1

BRIEF ABSTRACT OF LETTER.

Reports the case of an embezzlement of Cash to the extent of Rs 190-0-0 in the Hassan Munsiff's Court and states that the amount was recovered from the officials concerned who were dismissed the service, and promises to submit a further report

NOTES AND ORDERS.

Subd for orders.

Dy. Secy. (22) 30.6.1911 SW (11) 1) The report may be recorded with the remark that the further report promised is awaited.

2) It is not known why a

NOTES—First sheet.

GPB—15,000—24-4-09

G. R. S. 12]
General and Revenue Secretariat.

File No. of 19

Serial No.

Criminal prosecution is considered undesirable. This is the first report sent in the matter to Egypt.

30/6/11.

1/7

2nd C.J. Draws

4

4 The further report may be awaited.

4/7/11

5

12359

5.7.11

Yes 11/July.11

4/7/11

1

2 From the Registrar, Chief Court of Selangore

No 124 of 7.7.11.

Forwards the District Judges report pointing out the defects in the Process Rules which affords facility for an embezzlement and suggests an amendment in the new Process Rules

6 Subd for orders. 7 The letter may be recorded

Secs (22) 13.7.11

13/7/11

NOTE— Contn. sheet.

GPB—50,000—12-8-10

G. R. S. 12]
General and Revenue Secretariat.

File No. 25 of 1911 –

Serial No.

and the proposed amendment to para 3 of rule 16 of the process rules sanctioned. & a clear case of misappropriation has been proved against Ungra Gowda. This a question whether he should not be prosecuted.

15/7/11. Sd

Sec'y)

1-8-1911

3 From the Registrar, Chief Court
N° 421/31 & 21.7.1911.

Forwards for information a Copy of the District Judge's letter together with a Copy of the Munsiff's further explanation in regard to the embezzlement in the Hassan Court.

Subd
Hg (122) SW(11)
1.8.11.

Sd

1811

Sec'y)

Subt to 2 nos

4811

Sd 1911

NOTE—Contn. sheet.

GPB—50,000—12-8-10

G. R. S. 12]
General and Revenue Secretariat.

C/1 File No. of 19

Serial No.

9 What is the exact alteration proposed. It is not clear from the Registrar's letter. Please show it in pencil in the rules?

10 The D. J. has given good reason for not directing a prosecution. We need not interfere in the matter.

2/9/11

11) The alteration is shown in pencil against rule 16 of the process rules.

12) [This will ensure that Every special advance taken by the Process Wazir is promptly entered in his books] 6/9/11

2nd Cr. 13) The alteration may be approved.

6/9/11

14 Return draft

6/9/11

8/9/11

NOTE—Contn. sheet.

GPB-(450,000)-12-8-10

G. R. S. 12]
General and Revenue Secretariat.

Cs File No. 299 of 1910-11

Serial No.	
15	Submitted with a draft Order. Secy-122 SW (11) 12-9-11. 13-9-11 14) 2 Sec 13/9/11 4 To the Registrar, Chief Court of Mysore. J 971 dy. 16-9-11. Recd letter No 5-333/5-30 dy 21st June 1911 from the Registrar Chief Court, and approves of the proposed amendment of the last paragraph of Rule 16 of the Process Rules sanctioned in G.O No J 2507-Cs 95-10-4 dy 3-3-1911. by ~~adding~~ the addition of the words "obtaining the initials of the presiding Judge against such entry." to the first sentence of that paragraph.

Recd 20/9/11

NOTE— Contn. sheet.

GPB—50,000—12-8-10

II/2616 Qr 1911 J3201

Secy

From

The Registrar of the
Chief Court of Mysore.

To

The Secretary to the Government
of Mysore, Genl. & Rev. Depts.

Dated 21st June 1911

Despatched 24-6-11

Received

General No. 5333

No. 330

Enclosure No. 1.

Reports for the information of Govt. that there was a case of Embezzlement of Cash to the extent of Rs: 190/- in the Comb. of the Munsiff of Hassan and the amount was recovered from the 2 Officials who were dismissed from the service and adds that further proceedings will be submitted.

2 of Govt: Proc: No. 8487-527 Rev: dtd: 17/4/11 is

No. 5333/330 Jud.

Bangalore,
21st June 1911.
24.

From,
The Registrar,
Chief Court of Mysore.

To, The Secretary to Government,
General and Revenue departments.

Sir,

Adverting to the Proceedings of Government No. 8487-527/Jud 185-10-5 dated the 17th April 1911, I am directed to report for the information of Government that there was a case of embezzlement of Cash to the extent of Rs 190-0-0 in the Court of the Hassan Munsiff. The amount was recovered from the two Officials Concerned and they were dismissed from the Service under the orders of the District Judge, who considered that a criminal prosecution was not called

for

for in the Circumstances of the Case.
A Copy of his Proceedings dated the
14th Instant is enclosed.

I am to add that the
District Judge whose attention has
been invited to para 2 of the
Government Proceedings under
adverbence has been asked to
furnish the particulars therein
specified and that on receipt of
his reply a further report will be
submitted.

I have the honor to be,
Sir,

Your most obedient Servant,

Registrar.

MD

Proceedings of the District Judge, Mysore Division.

Mysore, dated 14th June 1911.

In the matter of embezzlement in the Court of the Munsiff of Hassan by Court Nazir Singra Iyengar and Deputy Nazir Jayaramulu Naidu.

Read : -

(1) D.O. Reports Nos. 46 and 51 from Mr. A.K. Sreenivasaraghavachar, B.A.,B.L., Munsiff, Hassan dated 27th January and 6th February 1911 respectively in Re. Court Nazir Singra Iyengar.

(2) Letter No. 360 dated 8th February 11 submitting records of enquiry relating to Singra Iyengar with the Munsiff's order and recommendation with Service Register.

(3) Report No. 394 dated 3rd March 11 regarding Deputy Nazir Jayaramulu Naidu.

(4) Final report dated 13th March 11 communicating result of enquiries against Jayaramulu Naidu with Munsiff's findings and recommendations with Service Register.

(5). Also Munsiff's subsequent communications dated 13th March 1911 recommending offenders for leniency.

(6) Auditor's report dated 11th March 1911 received from Registrar on 5-6-1911.

----------OO----------

On 25-1-1911 a deficit of Rs:9/- (nine) was discovered by the Munsiff, Hassan, in the Cash Chest, when it was opened in his presence and that of the Head Munshi.

The Court Nazir Singra Iyengar stated : -

(1) That he had advanced the money as a "temporary advance" to the Deputy Nazir.- The Deputy Nazir Jayaramulu Naidu had left Hassan on Privilege leave on the 24th and his Cash book Register F, (left in the charge of Singra Iyengar pending the appointment of his acting successorrAmin P. Krishnappa) did not corroborate this.

(2) Subsequently Singra Iyengar gave a written statement alleging that the deficit was due to an over-payment.

(3) Later in the day he again changed his statement and said he lent the money to the Deputy Nazir as a private transaction.

Finally he offered to tell the truth if the Munsiff would promise in writing to excuse him. He was compelled by the Munsif Mr. Sreenivasaraghavachar to make good the amount and made it good on the 25th.January 1911, the day the defalcation was discovered.

He was suspended immediately and the matter was at once reported to t he District Judge and completion of the Departmental enquiry was kept in abeyance pending the return of the Deputy Nazir Jayaramulu Naidu from leave.

On the morning of the 7th February, the latter rejoined duty, and at 11A.M. that day his locum tenens Krishnappa reported the loss from his office room of the Deputy Nazir's Cash book (F Register) and the previous B Registers.

The Deputy Nazir was examined and denied that he had borrowed Rs:9/- from Singra Iyengar. Meanwhile the Munsiff had discovered a further defalcation of Rs:206-14-0 in the books of the Deputy Nazir which however, was subject eventually to a reduction of some Rs:20/- due from other Courts. The Deputy Nazir's outside Court Bill Book was missing from the ~~30th~~ 25th January.

5

On examination the Deputy Nazir Jayaramulu Naidu admitted his responsibility for the amount of Rs:206-14-0 found short less sums due from other Courts. He asserted he had handed over all his books to Singra Iyengar and pleaded that he had been persuaded by the former to make entries in Register X showing greater amounts received as temporary advances from the Court Nazir than the latter had actually handed over to him.

He denied all knowledge of the missing registers and alleged that his Cash book would have corroborated his statement and would have shewn the actual amounts received by him from Singra Iyengar. Towards the end of the Departmental enquiry evidence was discovered by the Munsiff that Jayaramulu Naidu had returned to Hassan on the 6th. February and not as stated by him on the morning of the 7th February and that he had gone in the early hours of the morning of the 7th February to the Court House and effected an entry into the room of the Deputy Nazir by unlocking with borrowed key of the padlock which fastened the door. The Munsiff admits all this evidence was brought to light by Singra Iyengar and reading the evidence it is quite clear on the face of it that it is all pure concoction and absolutely false.

The amounts due by Jayaramulu Naidu and Singra Iyengar respectively have been made good and in view of the lack of legal evidence against the latter except in respect of the small sum of Rs:9/- and of the former's long service and excellent past character coupled with my strong belief from the past histories and respective characters of the two men that the former was the tool of the latter, I have refrained from ordering their Criminal Prosecution. I however fully concur with the Munsiff's earlier opinion that both men merit dismissal. As can be seen from the first order of the Munsiff dated 8-2-11 the conduct of Singra Iyengar has been characterised by effrontery and his offence aggravated by unscrupulous persistent falsehood. Only in July last he was caught embezzling witness batta and the Departmental en-

quiry

quiry fully satisfies me as it satisfied the Munsiff that the allegations against him of the defrauded witness were well-founded. On that occasion he was over leniently dealt with and merely warned and excused. He has not a good character in the service and is spoken of by his present officer as most unscrupulous, though clever.

I am therefore unable to accept the Munsiff's later recommendation that he should be merely reduced and transferred to Shimoga Division. It seems to me most undesirable in the public interest that he should be retained in the public service and I accordingly direct his dismissal with effect from the date of his suspension viz, 25th January 1911.

Jayaramulu Naidu has a good record of nearly 17 years' service, bears a good character and this is his first offence. Moreover I am quite convinced he was a tool in the hands of the designing Singra Iyengar and a stupid one at that. He has honestly admitted his fault. I do not concur with the Munsiff in believing that he made away with the missing registers and if I could feel justified in awarding a punishment less severe than dismissal I would do so. I think however in the interests of discipline it is desirable that it should be clearly understood that proved dishonesty and embezzlement by a Government servant of public monies entrusted to him necessarily entails dismissal, but I shall add to that that I very much wish that in his case I would have considered that reduction and transfer were a sufficient punishment.

With these remarks I direct that Jayaramulu Naidu be dismissed the service with effect from the date of his suspension Viz, 7th February 1911. The final disposal of these Proceedings was delayed pending receipt of the report of the Auditor who at the time of the discovery of these offences was auditing the

the accounts of the Hassan Munsiff's Court. That was received only on the 5th Instant.

(Signed) R.B. Plumer,
District Judge,
Mysore Division.

"T R U E C O P Y"

A.V.

REGISTRAR.

IV IV
10/7 CR 1911/12.

From

The Registrar of the
Chief Court of Mysore.

82 2

To

The Secretary to the Government
of Mysore, Genl. & Rev. Depts.

Dated 7th July 1911.

Despatched 8th do

Received

General No. 124

No. 6

Enclosure No. 1.

In continuation of this office No. 5333/330 of 21st ultimo, re Rendering Accounts of Cash in the Hassan Municipal Court, requests the sanction to the last para of Rule 16 of the Process Rules being amended by certain words

No: 124 Just 16

8

Chief Court of Mysore.

Dated, Bangalore 7th July 1911.

J-102

From,

The Registrar of the
Chief Court of Mysore,
Bangalore.

To,

The Secretary to the
Government of Mysore,
General and Revenue Departments.

Sir,

In continuation of this office letter No. 5333/330, dated the 21st ultimo in re embezzlement of cash in the Hassan Munsiff's Court, I am directed to forward a copy of docket No. 4162/5792, dated the 29th idem from the District Judge of Mysore, giving the further particulars of the case required under Government Proceedings No. 8487-527/Ml. 185-10-5 dated the 17th April 1911.

I am to add that the defect pointed out by the District Judge in the penultimate paragraph of his letter is, in the opinion of the Chief Court, one that ought ~~ot~~ to be remidied. I am therefore to request the sanction of Government to the last paragraph of Rule 16 of the Process Rules (Chief Court Notification, dated 28th March 1911) being amended by the words "obtaining the initials of the presiding Judge against such entry" being added to the first sentence of that paragraph, the full stop after the words 'Register F' being altered to a comma.

I have the honor to be,
Sir,
Ypur most obedient servant,

REGISTRAR.

9

1910-11.

From

R.B. Plumer, Esquire,

District Judge, Mysore

To

V.A. Rajaratna Mudaliar, Esqr.,

Registrar, Chief Court of Mysore

at Bangalore.

Dated 26-6-11.

Despatched 29-6-11

Received

General No. 4162

No. 579

Enclosure No.

His docket No. 5332/290 dated the 21st Instant calling for certain particulars regarding the temporary misappropriations of Government money in the Hassan Munsiff's Court.

-----:::::-----

With reference to the above, has the honor to state that, thanks to the Munsiff's prompt action, there has been no loss to Government as the fact of the misappropriation was soon discovered and the amount recovered almost immediately.

The temporary misappropriation of Rs: 9/- by Court Nazir Singriengar was, I think, rendered possible by the omission of the Munsiff Mr. Sreenivasa Raghava Char to count the cash daily which is impliedly admitted by him

X

" Singriengar tried to get me to sign the Register without counting the cash assuring me the balance was correct; but seeing that there was an unusually large quantity of small change chiefly nickel nearly Rs:25 in all, I counted the cash and then found Rs:9/- short."

him in his first report as per quotation in the margin.

That by Deputy Nazir Jayaramulu Naidu could not have occurred but for a defect in the system of supervision, Viz, the absence of a provision requiring the presiding officers of Courts to ~~take~~ check the entries in Register F of special advances contemplated in Rule 17 of the Process Rules (Vide addendum dated 15-9-08 to Rule 17) with reference to Register No. X and initialling them - a provision corresponding to Rule 5 of Rule of Practice No. 129 dated the 22nd October 1906 printed in page iii of the Civil Digest.

These cases of misappropriations were not reported immediately as required by para 1 of the Government Proceedings referred to as they occurred and the Munsiff's enquiry closed before the said Government Proceedings were received in this Office.

Sd/- R. B. Plumer,
District Judge.

'copy'

Registrar

NBJ.

From

The Registrar of the
Chief Court of Mysore.

To

The Secretary to the Government
of Mysore, Genl. & Rev. Depts.

Dated 21st July 11

Despatched 22nd July 11

Received

General No. 421

No. 31

Enclosure No. 2

In Continuation of this office No. 124/6 27th Inst. re Runkey - Element of Cochin the Hassan Munsiff's Court, forwards Copy of Docket No. 203 of 32 15th Idem from the Dist. Judge of Mangalore.

No. 421 Judicial 31

Chief Court of Mysore,

Bangalore, Dated 21st July 1911.

222

From,

V. A. Rajaratna Mudaliar, Esquire,

Registrar, Chief Court of Mysore.

To,

C. S. Balasundaram Iyer, Esquire,

Offg: Secretary to the Govt: of Mysore,

General and Revenue Departments.

S i r ,

In continuation of this Office letter No. 124/6 dated 7th Instant, re. embezzlement of cash in the Hassan Munsiff's Court, I am directed to forward for the information of Government a copy of docket No. 203/32 dated 15th idem received from the District Judge of Mysore together with a copy of its enclosure.

I have the honor to be,

Sir,

Your most obedient servant,

A.V.

REGISTRAR.

12

1 9 1 1 - 1 2.

From,

R.B.Plumer, Esquire, District Judge, Mysore.

To,

V.A.Rajaratna Mudaliar, Esqr.,
Registrar of the Chief Court of Mysore, Bangalore.

Dated 15th July 1911.
Despatched 16th July 1911.
Received 18. 7-11.
General No. 203/32
Enclosure No. one

Has the honor to submit herewith the copy of letter No. 39 dated the 14th Instant received from the Munsiff of Hassan, in continuation of this Office No. 4162/579 dated 26th/29th Ultimo re defalcations of Singriengar and Jayaramulu Naidu.

The undersigned has nothing further to say except that recently while at Hassan the Munsiff personally assured the undersigned that he invariably had counted the cash. It may therefore be as he says simply that his D.O letter first reporting the occurrence was not very fortunately worded.

Sd/- R. B. Plumer.
District Judge.

'Copy'

Rajaratnam
Registrar.
M.

1911-12.

From

A. Sreenivasaraghavachar, Esquire, B.A;B.L.
Munsiff, Hassan.

To

R. B. Plumer, Esquire,
District Judge, Mysore.

Dated :- 14th July 1911.

NO. 39

----------oOo----------

S U B J E C T .

Re - the defalcations of Singra Iyengar and Jayaramalu-Naidu.

Sir,

With reference to your No. 144/5 not dated forwarding copy of your No. 4162/579 dated 26/29th June 1911 to the Registrar Chief Court I have the honour to state that in all my service I have not omitted a single day to count the Nazir's cash and the Deputy Nazir's also daily and without this being done I have not initialled their respective cash Registers. My practice in this matter can be easily ascertained from the Maddagiri Munsiff's Court where I was for two years and I can if desired produce ample evidence here also. In my first D.O. to you from which the quotation is given I set forth all the suspicious circumstances and the fact that I counted the cash with more than usual care that day inspite of the fact I was in a hurry to take my seat on the Bench was not intended to imply that I was not counting the cash on previous days. It is possible that the language of the D.O which was written in a hurry might lead to the construction put upon it but it was not my meaning and I did not intend it to be understood that ~~day~~.

14

I may also state that the cash was allright when counted on the previous morning namely on the 24th January 1911 and the misappropriation was of <u>one night's only</u> as the other circumstances also go to show.

I may also state as already stated in my reports that I was more or less keeping a watch on Singra Iyengar for the previous 6 months and this could not have been effective if I was not counting his cash daily.

As a matter of fact I think Singra Iyengar thought that owing to the heavy cases that particular day and in my hurry to go to the Bench I would have acted on his assurance that everything was allright and went away without close scrutiny of the amount in small coin.

Why shd he think so if Roff's habit of Counting the Cash was invariable?!
(Initialled) R.R.P.
15/7/11. 09

As regards the Deputy Nazir's defalcation I used to get once every month from him when I examined his books under the rules, monthly a correct balance sheet of all the ~~accounts~~ money's he had to account for including temporary advances from Court and I saw nothing wrong before or in the previous months. This defalcation must have taken place in January 1911 and was as a matter of fact detected about the end of the month namely 25th January 1911. I would have in the usual course examined his registers in the early part in February 1911 and if he had not gone on leave and if this defalcation had not been found out before the next monthly examination of his books in February 1911, he would have had time to mend matters and would in all probability have made good the amount and shown me a correct balance sheet at the time of my monthly inspection of his books in February 1911.

It

15

It is not possible to get daily cash balance sheet from the Deputy Nazir under the present rules and I have contented myself with getting one once a month when I made the monthly examination of his registers.

I request that you will kindly submit a copy of this letter to the Chief Court early.

I have the honour to be,

Sir,

Your most obedient servant

(Sd) A. Sreenivasaraghavachar.

Munsiff.

'Copy'

R Bottomer

District Judge

G.R.S. 28]

Cls File No. 299-10.
Serial No. 4.

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(Cls)

, *the* 19

Date of issue 16-9-11

Signed by Mr S. Srinivasaraya

READ— Letter No. S 333/S 330 dated the 21st June 1911 from the Registrar of the Chief Court of Mysore, reporting a case of embezzlement of

ORDER THEREON.—No.

Cash to the extent of Rs 190/- in the Hassan Munsiffs' Court by the ~~two officials~~ Singra Iyengar and Jagavannula Naidu, Court Nazir and

over.

SUBJECT.

GPB—10,000 - 29-9-10

by Nazir respectively of that Court, and adding that the amounts was recovered from the Subs Officials who have been both dismissed the Service.

(2) Letter No 124/6 dt 7th July 1911 from the same officer reporting that the misappropriation was partly due to a defect in the Process Rules and suggesting an amendment thereto to remedy the same.

(3) Letter No 421/3C dt 21st idem from the same officer on the subject.

Order thereon No. J 971/CS-299-10-4 dt 16/9/11

(1) Recorded.

(2) Govt approve of the proposed amendment of the last paragraph of Rule (16) of the Process Rules sanctioned in G.O. No J. 2507-CS 95-10-4 dt 3-3-1911; by adding the word "obtaining" the initials of

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

the presiding Judge against such entry" ~~being added~~ to the first sentence of that paragraph. The full stop after the words "Register J." being altered to a Comma.

Sd/-

For Secy to Govt

To

The Registrar, Chief Court of Mysore

Dfd/ ACS -122- 12-9-11

SW. 11 13/9/11

GPB—10,000—22-2-11

IN THE CHIEF COURT OF MYSORE.

CIVIL SIDE.

Notification dated the 28th March 1911.

It is hereby notified that the following Rules for the service and execution of processes issued by the Civil Courts in the Mysore State, and the fees chargeable therefor, framed by the Chief Court under the provisions of Section 29 of the Mysore Court Fees Regulation, in supersession of those contained in Notification dated 25th January 1905, have received the sanction of Government and shall come into force from the 1st July 1911.

1. At all stations the process establishment shall be under the immediate direction of a Process Nazir, who shall be under the control of the Munsiff to whose court it is attached.

2. (*a*) There shall be two classes of Process Nazirs and their pay shall be 1st class Rs. 25—1—30, and 2nd class Rs. 20—1—25, a month.

Process Nazirs of the 1st class shall be provided for Munsiffs' Courts graded as 1st class, and Process Nazirs of the 2nd class for the Munsiffs' Courts graded as 2nd and 3rd classes.

(*b*) There shall be two classes of Amins and their pay shall be 1st class Rs. 16 and 2nd class Rs. 14, a month.

The proportion of Amins in the higher grade shall not exceed 1 to 2 in the lower grade.

(*c*) There shall be two classes of peons and their pay shall be 1st class Rs. 8, and 2nd class Rs. 7, a month.

The proportion of peons in the higher grade shall not exceed 1 to 3 in the lower grade.

The appointment of Process Nazir and his establishment shall be made by the Munsiff to whose Court they are attached. All appointments shall be subject to the provisions of Section 21 of the Civil Courts Regulation No. 1 of 1883.

2. Each Process Nazir must furnish security in the sum of Rs. 250 or in such higher sum as may be fixed by the Chief Court. Each Amin of the 1st class must furnish security in the sum of Rs. 120 and each Amin of the 2nd class in the sum of Rs. 100. The security in the case of the 1st class peons shall be Rs. 75 and for those of the 2nd class Rs. 50.

4. The security to be furnished by Nazirs and Amins shall either be by bond with deposit of title-deeds of immoveable property, or deposit of cash or Government Promissory Notes; and the security to be furnished by peons shall be by bond with two sureties, or by deposit of cash, which should be invested in the District Savings Bank in the name of the depositor.

5. The 'proper officer' to whom processes shall be transmitted for service under Section 72 of the Code of Civil Procedure, 1882, shall be the Process Nazir of the Munsiff's Court within whose jurisdiction the processes are to be served.

6. The processes of each Court shall be numbered consecutively as soon as all the batta charges have been paid, and shall be entered in a register in Form A and issued for service in the order of receipt, precedence, however, being given to urgent processes issued as per Rule 18 and Note 3 to Rule 24.

The amount of batta to be paid must be notified on each process sent for service but shall be retained with the Court Nazir.

7. At 3 P.M., daily the Chief Ministerial Officer of each Court shall sign the register of Processes and process fees and transmit it to the Process Nazir together with the processes to be served or executed by him, which have been prepared upto that hour. Any processes prepared after 3 P.M., shall be sent to the Nazir not later than 11-30 the following morning together with the Register signed as above. After verifying the entries relating to himself. the Process Nazir shall return the Register to the Court concerned with his countersignature.

8. One hour before the post time for each outlying station the Chief Ministerial Officer of each Court shall have a list prepared in Form A, of all processes to be served or executed within the jurisdiction of such outlying court, and such list shall be forthwith sent by post on Mysore Government Service to the Process Nazir of that station together with all such processes.

9. On receiving any batch of processes, the Process Nazir shall consecutively number and enter them in a register which shall be kept by himself or under his superintendence in Form B.

10. He shall thereupon arrange for the distribution of the processes, and, after the necessary entries have been made in the Roster (Form C), shall deliver them to the several Process Servers. As far as possible all processes other than warrants of arrest, for persons residing in the same neighbourhood shall be served by one process server and not by several whether issued by the same or different courts.

Every Process Nazir shall be held directly responsible for the proper service and return in due time of the processes.

The Process Servers should maintain a Register in Form D.

11. Every day, at such hours as the controlling officer may fix, having regard (when necessary) to the hours at which the post closes, the Process Nazir shall enter in a despatch book or list the processes to be returned to each court giving them their original court numbers, and shall transmit them to the Chief Ministerial Officer, who shall sign and return the despatch book or list.

12. It shall be the duty of the Chief Ministerial Officer to have the processes returned and the batta amounts, if any, disbursed thereon entered in the appropriate columns of his Register A and to bring to the notice of the presiding Judge any unusual delay.

13. At the close of each day, every Process Nazir shall enter in his Register B the number of processes distributed during the day and the number of peons remaining unemployed after the distribution.

14. When a warrant for the arrest of a judgment-debtor is returned unexecuted, the Amin or process server will at once be placed before the Court by which the warrant was issued with a view to his being examined in the manner prescribed by Section 343 of the Code of Civil Procedure. If the Court finds it inconvenient to make such examination as soon as the process server is so placed before it, it may postpone such examination to such other date as may be fixed by it, provided that the time that intervenes between such date and the date fixed for the return of the warrant is sufficient to admit of the process being re-issued in the event of the Court holding that there was not sufficient cause for the warrant being returned unexecuted.

15. When any person has been arrested or moveable property seized, by a process server of an outlying Court under a warrant issued by a Court superior in grade to the outlying Court, the process server shall forthwith bring such person or property to the station of such Court and deliver him or it to the Process Nazir, provided that this rule shall not apply to property not required to be brought to the Court-house.

Such Process Nazir shall immediately give the process server a receipt and send him back to his own Court, and shall produce such person or property before the Court which issued the processes.

When money shall have been recovered upon any such process, it shall be received by the outlying Court, and duly transmitted, together with the process, to the Court concerned.

16. A permanent advance of Rs. 200 will be made to each Process Nazir for the batta of witnesses, etc. The amount of batta notified on each process sent to the Nazir for service will be paid out of it unless, in special instances, moneys are sent along with process, in which case the amount should be credited in Register F as soon as it is received.

The Chief Court may at its discretion increase or reduce the permanent advance of any particular Process Nazir.

All moneys received, disbursed or remitted by the Process Nazir shall be at once entered in Register F.

Whenever the Process Nazir of a Court has not sufficient money in his hands to pay for processes that have to be issued for service, he may, with the sanction of the presiding Judge of such Court, draw the amount required for such processes as are of his own Court as an advance from the said Court and enter the sum so received in Register F. The sums so drawn should be adjusted in due course by their being included in bills drawn under the next rule.

17. On or before the 6th of each month, or whenever a sum of Rs. 25 or more is due by any Court, the Process Nazir shall send to the Court concerned a bill in Form E showing the account between them.

The Head Ministerial Officer of each Court shall, on receipt of the bill, carefully check it with reference to his Register A, object to items not admissible in the remark column and prepare an extract of such items with details. He shall total the remaining items and pass the same for payment and send the bill together with the extract of objections to the Court Nazir. The latter shall, after debiting the passed items individually in his Cash Register, forward the amount together with the passed bill and the extract to the Process Nazir who will endorse the receipt of money on the bill and forward it to the Court Nazir retaining the extract for further action.

The Courts in the same station as the Process Nazir should remit the amount claimed within three days of receipt of the bills and a week should be the longest time allowed in the case of Courts at outlying stations.

The amount due to each Process Nazir of an outlying station must be remitted through the Government Treasury if there is a Treasury at the outlying station and if not by a postal money order the cost of which may be charged in the contingent bill.

18. The presiding Judge of any Court may, for any sufficient reason, at any hour of the day, transmit a process for emergent execution, and it shall be the duty of the Pocess Nazir on receiving such process signed by the Judge to make immediate arrangements for its execution.

In a case of very special urgency, the presiding Judge may deliver any such process to one of the process servers in attendance on his Court for immediate service or execution.

19. The presiding Judge of any Court may direct, on the application of the party applying for the particular process which should ordinarily be sent for service to an outlying Court, that it be served or executed by a special process server from headquarters : provided that the pay of such process server at the rate of four annas a day for a peon or eight annas for an amin, for the time he is likely to be employed on such duty, be paid in advance ; and the Judge may, for any sufficient reason, direct that such extra charge be costs of the suit or proceeding.

20. Except for very special reasons, which must be recorded in writing, no Court shall direct that a judgment-debtor be left in the custody of a peon, unless a second peon is deputed to assist him and the pay of both at four annas a day for each up to the time fixed for the adjourned hearing, be paid in advance.

Payments under this and the preceding rule shall be made in process Service stamps.

21. Unless the Chief Court shall otherwise direct, upon due cause being shown, the number of Amins and peons to be employed under any process Nazir shall be sufficient, and no more than sufficient, for the execution of not less than 150 processes a year by each amin and not less than 400 processes a year by each peon, provided that 3 peons for each Court shall be told off in rotation for 10 days at a time to attend the Court to help to keep order and guard the Court house and to be available for emergent processes under Rule 18.

22. In calculating the number of processes, if more than one of the same description have been issued on behalf of the same party at the same time in the same suit or proceeding and executed in the same town or village, the first only shall be reckoned as a full process, and each subsequent set of three or part thereof shall count as but one process, whether executed by one or more peons. Three processes will be counted for each emergent process and one for each day that a peon is in charge of a judgment-debtor or engaged on any special duty.

23. At the end of each month every process Nazir shall prepare a statement showing the total number of processes calculated as above executed by each amin or process-peon

during the month, noting also the number of processes declared by the several Courts as emergent and shall submit the same to the District Judge. The District Judge shall forward the same in original to the Chief Court for perusal and return.

The District Judge shall reduce the number of peons in any process establishment in his division whenever the average number of processes for each man (exclusive of those allowed under Rule 21 to be in attendance in the Courts) falls short of the prescribed minimum by more than ten per centum, provided that if sufficient cause appears for lowering the minimum, he may report the matter for the orders of the Chief Court.

The District Judge will obtain and forward to the Chief Court a monthly return of receipts and disbursements on account of the service of processes showing the number of processes arrived at in the manner laid down in Rule 22 separately of amins and peons excluding only those on which no action has been taken by the peon or amin, owing to the petition having been compromised or withdrawn or for any other reason, after the process has been issued. The processes issued to amins will comprise all processes for attachment or sale or delivery of possession of property movable or immovable and certain warrants of arrest. Those of peons will include all summonses, notices, written orders and ordinary warrants of arrest and the simpler forms of injunction and proclamation.

24. The fees chargeable for serving and executing process issued by the Civil Court shall be :—

		Rs.	a.	p.
1.	For each summons or notice—			
	(*a*) To a single defendant, respondent or witness	0	8	0
	(*b*) To every additional defendant, respondent or witness residing in the same village or town if the process be applied for at the same time	0	4	0
2.	Warrant of arrest	1	0	0
3.	Proclamation of sale	0	8	0
4.	Warrant of attachment of moveable or immoveable property ...	1	0	0
5.	Warrant of sale of immoveable property in cases exceeding Rs. 50 in value	1	0	0
6.	Do do not exceeding Rs. 50 in value	0	8	0
7.	Warrant of sale of moveable property	0	8	0
8.	Warrant of delivery of possession of property, moveable or immoveable if no attachment has taken place ...	The fee for attachment of said property.		
	If the attachment has taken place,			
	For immoveable property	1	0	0
	For moveable property	0	8	0
9.	Injunction, order or notice not otherwise provided for ...	0	8	0
	And for every additional process of the same nature if applied for at the same time and if the person to be served resides in the same neighbourhood	0	4	0

N. B.—(1). Where warrants are to be executed in different places separate warrants with separate fees levied, should be issued if the places not being in the same village or town are more than five miles apart.

(2). The fees chargeable for warrants of sale is in addition to actual charges of advertisements as well as the commission, if any, payable in the case of sales conducted through special agency under the orders of the Court

(3). For processes ordered to be executed as emergent on the application of parties, the fee will be the ordinary fee and half as much again.

(4). No fee is to be charged for any process issued by a Court of its own motion.

V. A. RAJARATNA MUDALIAR,
Registrar.